

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kristopher Lee Roybal,

Civil No. 14-cv-5042 (SRN/TNL)

Petitioner,

v.

ORDER

Tom Roy, *Commissioner of Corrections*,

Respondent.

Kristopher Lee Roybal, 1212 Miles Avenue Southeast, Bemidji, MN 56601 (*pro se* Petitioner);

Matthew Frank and James B. Early, Minnesota Attorney General's Office, 455 Minnesota Street, Suite 1800, St. Paul, MN 55101; Peter R. Marker, Ramsey County Attorney's Office, 50 Kellogg Boulevard West, Suite 316, St. Paul, MN 55102 (for Respondent).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated August 5, 2015 [Doc. No. 23], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner Kristopher Lee Roybal's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. No. 1) is **DENIED**.
2. This action is **DISMISSED WITH PREJUDICE**.
3. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: August 31, 2015

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge